



# RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE: October 8, 2003

FROM/ATTORNEY: Patricia Chisholm

FIRM: Merck & Co., Inc.

PAGES, INCLUDING COVERSHEET: 3

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TO EXAMINER: Sarvamangala Devi

ART UNIT: 1645

SERIAL NUMBER: 10/089,787

FAX/TELECOPIER NUMBER: (703) 308-4315

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COMMENTS: \_\_\_\_\_  
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Dorene M. McC [Signature] 10/8/03  
Name Signature Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	El-Sherbeini, Mohamed		
Serial No.:	10/089,787	Case No.:	20522P Art Unit: 1645
Filed:	04/03/2002	Examiner: S. Devi	
For:	MraY gene and enzyme of <i>Pseudomonas aeruginosa</i>		

VIA FACSIMILE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement mailed September 12, 2003, having a shortened statutory period for reply that will expired on October 12, 2003.

Since this Response is being filed by facsimile prior to the expiration of the statutory period set for reply, this transmittal does not include a Petition for Extension of Time or the requisite fee required to secure an extension. In the event that fee is deemed to be required, please treat this paper as a request under 37 C.F.R. §1.136(a) to charge Deposit Account No. 13-2755 the appropriate large entity fee.

U.S.S.N.: 10/089,787

Case No.: 20522P

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In addition, Applicants would like to direct the Examiner's attention to the fact that an Information Disclosure Statement (IDS) and copies of the cited references, in accordance with the provisions of 37 C.F.R. 1.97, is being filed via first class mail today. Applicants respectfully request that the Examiner enter the IDS into the file and consider the references cited therein during the first substantive examination of this application.

Claims 1-16 are pending in the above-referenced application. A requirement for restriction has been imposed on claims 1-16 requiring the Applicants to restrict the subject matter of the instant application to the invention encompassed within one of the following four groups:

Group I (claims 1-4 and 6-9) drawn to an isolated polynucleotide encoding a polypeptide having SEQ ID NO: 2, or that is complementary to the polynucleotide or that hybridizes with the polynucleotide, a cDNA, an expression vector and a host cell comprising the same;

Group II (claims 5 and 10) drawn to a process for expressing a *MraY* protein of *Pseudomonas aeruginosa* by culturing a host cell;

Group III (claims 11-14), drawn to a probe and a primer comprising SEQ ID NO:3 or SEQ ID NO: 4; and

Group IV (claims 15 and 16) drawn to an isolated polypeptide comprising an amino acid sequence of SEQ ID NO:2 and a cellular extract comprising the same.

Applicants hereby elect to prosecute the subject matter assigned to Group I (i.e., claims 1-4 and 6-9) without traverse. Applicants expressly reserved the right to pursue the subject matter of the non-elected claims that have been assigned to Groups II-IV in one or more divisional and/or continuing applications.

Respectfully submitted,

By Patricia Chisholm  
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Date: October 8, 2003

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